



#1 NO.A

09/477,977

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John H. Burton et al.

Examiner: R. Kearney

Serial No.: 09/477,977

Group Art Unit: 3739

Filed: January 5, 2000

Docket: 825.001US2 SEP 16 2002

Title: IMPLANTABLE DEVICE AND METHOD FOR ADJUSTABLY
RESTRICTING A BODY LUMEN

TECHNOLOGY CENTER R3700

RECEIVED

**NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

BOX AF

Commissioner for Patents
Washington, D.C. 20231

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In compliance with 37 C.F.R. § 1.191, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated April 5, 2002, of the Examiner rejecting claims 1-24, 26-37, 39 and 40 of the above-identified patent application.

A request for an extension of time to respond to the Examiner's rejection is submitted herewith along with payment of the required extension fee.

Our check in the amount of \$160.00 is enclosed to pay the Notice of Appeal fee under 37 C.F.R. § 1.17(b). Please charge any required additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

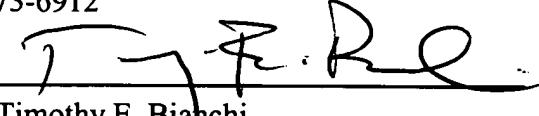
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Date Sep. 5, 2002

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Attn: BOX AF, Commissioner for Patents, Washington, D.C. 20231, on this 5th day of September, 2002.

Anne M. Richards
Name


Signature